

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Cbeyond Communications, LLC against BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for alleged failure to pay intrastate access charges pursuant to Cbeyond's price list and for alleged violation of Section 364.16(3)(a), F.S.

DOCKET NO. 090142-TP
ORDER NO. PSC-09-0212-PCO-TP
ISSUED: April 9, 2009

ORDER GRANTING JOINT MOTION

Pursuant to Rule 28-106.204, Florida Administrative Code, on April 2, 2009, AT&T Communications of the Southern States, LLC and BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast (collectively, "AT&T") and Cbeyond Communications LLC ("Cbeyond") filed a Joint Motion for Extension of Time to Respond to Amended Complaint and for any Required Responsive Pleading ("Joint Motion"). In their Joint Motion, the parties ask that AT&T be permitted to respond to Cbeyond's Amended Complaint on May 1, 2009, and that Cbeyond's responsive pleading, if any, be due on May 8, 2009.


The parties assert that counsel for the parties "have a number of commitments over the next few weeks and request additional time to file their clients' respective pleadings" and that counsel for Cbeyond will be out of the country from April 19, 2009, until April 26, 2009.

Having considered the Joint Motion, it appears to be in the best interest of all parties that the Joint Motion be granted.

Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that the April 2, 2009, Joint Motion for Extension of Time to Respond to Amended Complaint and for any Required Responsive Pleading is hereby granted.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 9th day of April, 2009.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(SEAL)

CWM

DOCUMENT NUMBER-DATE

03171 APR-98

FPSC-COMMISSION CLERK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.